

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 Eugene Ross,

4 Plaintiff,

5 v.

6 James Dzurenda, *et al.*,

7 Defendants.

Case No. 2:23-cv-02062-JAD-EJY

ORDER

9 On December 14, 2023, Plaintiff, an inmate in the custody of High Desert State Prison
10 (“HDSP”), filed an incomplete application to proceed *in forma pauperis* (“IFP”) together with a
11 Civil Rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff’s IFP application failed
12 to include a financial certificate and his inmate trust fund account statement for the previous six-
13 month period. Plaintiff attached an Inmate Request Form explaining that a response to his internal
14 inquiry to the HDSP law library states it takes “1-4 months” to prepare his financial certificate. ECF
15 No. 1 at 4. Even if Plaintiff has not been at the Nevada Department of Corrections facility a full six-
16 month period, Plaintiff must still submit a financial statement and an inmate account statement for
17 the dates he has been at the facility. 28 U.S.C. § 1915(a)(2); Local Rule LSR 1-2.

18 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma*
19 *pauperis* (ECF No. 1) is DENIED without prejudice.

20 IT IS FURTHER ORDERED that on or before **February 16, 2024**, Plaintiff must either pay
21 the \$405 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed**
22 ***in Forma Pauperis* for Inmate** on the Court’s approved form; (2) a **Financial Certificate** properly
23 signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail**
24 **trust fund account statement for the previous six-month period**.

25 IT IS FURTHER ORDERED that failure to either pay the \$405 filing fee or file a complete
26 application to proceed *in forma pauperis* on or before **February 16, 2024**, will result in a
27 recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows
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1 Plaintiff to file his case with the Court, under a new case number, when he is able to comply with
2 LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

3 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),
4 but will not file it at this time.

5 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
6 form application to proceed *in forma pauperis* for inmate along with the information and instructions
7 for filing the same.

8 DATED this 18th day of December, 2023.

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11 ELAYNA J. YOUCRAH
12 UNITED STATES MAGISTRATE JUDGE
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